

IN THE UNITED STATES DISTRICT COURT
Western District of Virginia

JUL 19 2023

URBANSKI
District Judge
(Assigned by Clerk's Office)

Laura A. Austin, CLERK
BY: J. Butler
Deputy Clerk

Sargent
Mag. Referral Judge
(Assigned by Clerk's Office)

CIVIL ACTION NO. 7:23-cv-00442
(Assigned by Clerk's Office)

For use by Inmates filing a Complaint under

CIVIL RIGHTS ACT, 42 U.S.C. §1983 or BIVENS v. SIX UNKNOWN NAMED AGENTS OF FED. BUREAU OF NARCOTICS, 403 U.S.C. §388 (1971)

Christian Thomas Nealon

1519593

Plaintiff Name

Inmate No.

v.

Reynolds - Unit Manager A - Building - Keen Mountain Correctional Center
Defendant Name & Address

S.K. Coleman - A-Building Lieutenant - Keen Mountain Correctional Center
Defendant Name & Address

Stone - Sargent A-Building - Keen Mountain Correctional Center
Defendant Name & Address

Hess Correctional Officer A-Building - Keen Mountain Correctional Center
Defendant Name & Address

Keene - A-Building - Correctional Officer - Keen Mountain Correctional Center
Defendant Name & Address

Hill - Correctional Officer A-Building - Keen Mountain Correctional Center
Defendant Name & Address

IF YOU NEED TO ADD MORE DEFENDANTS, USE A SEPARATE SHEET OF PAPER, AND PUT
NAME AND ADDRESS FOR EACH NAMED DEFENDANT.
TITLE THE SECOND PAGE "CONTINUED NAMED DEFENDANTS"

A. Where are you now? Name and Address of Facility:

Keen Mountain Correctional Center

3402 Kennel Gap Road, Oakwood V.A. 24631

B. Where did this action take place?

Keen Mountain Correctional Center

C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

Yes No

If your answer to A is Yes, answer the following:

1. Court: _____

2. Case Number: _____

D. Have you filed any grievances regarding the facts of this complaint?

Yes No

1. If your answer is Yes, indicate the result:

Filed on 3/7/23, 3/8/23, 3/9/23 and another on 3/15/23 to Lt.S.k.-

Coleman on his body camera and the Grievance 3/29/23 with no response to any.

2. If your answer is No, indicate why:

E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

attached page.

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

(Additional Supporting Facts may be placed on a separate paper titled ADDITIONAL SUPPORTING FACTS)

claim #1

Page #1

on 2/23/2023 I returned back to the housing unit where I was housed ~~at~~ when the pod was locked down at 4:50 pm. I began to feel light headed while speaking to my cell-mate Mrs. E. ~~J~~ Johnson in A3#1. I sat down in the chair in the cell and he saw that I was in medical distress and pushed the emergency button located in the cell. The next thing I remember is I came to being ~~wheeled~~ wheeled into the elevator on a gurney after I was found during a security check by Correctional officer Hess. I was notified by the investigators that I was found unresponsive in the cell my face and hands blue and within ~~minut~~ minutes of being gone for good/dead. I was told that I was administered Narcan ~~three~~ three times by Correctional officer Hess. The Correctional officer in the booth was G/O Keene when my cellmate was pushing the emergency alert button and calling out that there was an emergency G/O Keene refused to answer the emergency alert re-setting the booths control boards alert and refusing to call for help. Unit manager Reynolds, Lieutenant S.K. Coleman, Sgt Stone, Correctional officer ~~K~~ Hess, Correctional officer Hill were all on post at the time in their ~~offices~~ just outside the pod. The Lieutenant S.K. Coleman, Sgt Stone are the shift supervisors and Unit Manager Reynolds ~~and~~ -

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Correctional officers Hess, and Hill all refused to respond ~~to~~ to the emergency and my cell-mate yelling for help until they where doing institutional count at approx 5:30pm. These poor Correctional officers Keen, Hess, Hill and Lt. S.K. Coleman, Unit manager Rexnold and Sgt Stone's immediate neglect and deriliction of there duty's resulted in me being unresponsive and ~~being~~ oxygen deprived for approx approximately thirty minutes and denying me medical attention during a vital period of treatment for exposure to Fentanyl resulting in me almost ~~dying~~ dying within minutes when I should of been treated and receiving medical attention within minutes of exposure not thirty minutes latter.

The responding staff had a body camera on one of them that documented the incident. Inmate Jeremy Mitchell #1140008 has agreed to testify as a witness to this claim and there are others as well who was housed in the pod at the time of the incident.

F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

\$1,000,000.00. And injunction Barring Retaliation of any kind i.e. transfers/ harassment. injunction removing defendants from inmate population due to the nature of claim.

G. If this case goes to trial, do you request a trial by jury? Yes No _____

H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address after I have been released or transferred or my case may be dismissed.

DATED: 7/15/2023 SIGNATURE: Christian Nealon

VERIFICATION:

I, Christian Thomas Nealon, state that I am the plaintiff in this action, and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: 7/15/23 SIGNATURE: Christian Nealon

7/15

Christian Nealon 1519593
Keen Mountain Correctional Center
3402 Kernel Gap Road
Oakwood VA 24631

ASSUME RESPONSIBILITY
THE FEDERAL
MAILED
THE VETERAN
OPEN



* Legal Mail *

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U.S. District Court
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